

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 6/13/2022
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMANTHA SIVA KUMARAN, et al.,

Plaintiffs,

-against-

NATIONAL FUTURES ASSOCIATION, LLC, et
al.,

Defendants.
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1:20-cv-3668-GHW

ORDER

GREGORY H. WOODS, District Judge:

On June 13, 2022, Mr. Kostus called Chambers to inform the Court that he was ill and was struggling to upload submissions on ECF. The same day, Ms. Kumaran submitted a letter motion on the docket, detailing that she had learned that Mr. Kostus was unwell, and requesting “a stay and to hold in abeyance any filings that Kostus has to file until he gets better and can communicate on the phone.” Dkt. No. 197. The Court understands that Ms. Kumaran filed this motion on her own behalf because she cannot represent the corporate plaintiffs and therefore cannot request a stay on their behalf. Shortly after filing the motion on her own behalf, Ms. Kumaran filed a motion “at the direction of Mr. Kostus because he is not well enough to upload the letter himself.” Dkt. No. 198. The Court is sorry to hear that Mr. Kostus is suffering through a severe illness and wishes him a speedy recovery. Given the circumstances, the Court will consider the motion at Dkt. No. 198 as if it were filed by the corporate plaintiffs. However, the Court cautions that it expects all future communications on behalf of the corporate plaintiffs to be filed by counsel for the corporate plaintiffs, not by Ms. Kumaran.

Ms. Kumaran’s request to stay this case until counsel for the corporate plaintiffs recovers, Dkt. No. 197, is denied. The Court will continue to consider applications for an extension of time

of deadlines in this case. However, the Court declines to stay this case for an indefinite period of time.

The corporate plaintiffs' request for extensions of time, Dkt. No. 198, is granted in part and denied in part. Ms. Kumaran states that "Mr. Kostus is seeking to join the motion to extend the time on any of NRCM/NAM and NHC filings to join my deadlines that were recently ordered in 20-CV-3668 which would apply to both Local Rule 6.3 motions due on June 30, 2022 and defer any amended complaint until those motions are ruled on." *Id.* On June 11, 2022, the Court granted Ms. Kumaran's request for an extension of time to file a motion under Local Rule 6.3 regarding the Court's June 2, 2022 memorandum opinion and order. Dkt. No. 196. The Court also granted Ms. Kumaran's request to stay the deadline to file an amended complaint pending the resolution of the anticipated Local Rule 6.3 motion. *Id.* The Court denied Ms. Kumaran's request for an extension of time to file a motion under Local Rule 6.3 regarding the Court's June 8, 2022 order at Dkt. No. 190. *Id.*


The Court understands that the corporate plaintiffs are seeking the same relief, to the extent applicable. The deadline for all Plaintiffs to file a motion under Local Rule 6.3 regarding the Court's June 2, 2022 memorandum opinion and order is June 30, 2022. Similarly, Plaintiffs' amended complaint is due no later than twenty-eight (28) days following the Court's order resolving the anticipated motions regarding the Court's June 2, 2022 memorandum opinion and order. The request for an extension of time to file a motion under Local Rule 6.3 regarding the Court's June 8, 2022 order, is denied. Further, to the extent that the corporate plaintiffs request an extension of any other unspecified deadline, that request is denied without prejudice. The Court will consider renewed applications for extensions of time that specify the original deadlines that the corporate plaintiffs are seeking to extend.

The Court will hold a teleconference in this matter on June 17, 2022 at 4:00 p.m. The parties are directed to the Court's Emergency Rules in Light of COVID-19, which are available on the Court's website, for the dial-in number and other relevant instructions. The parties are specifically directed to comply with Rule 2(C) of the Court's Emergency Rules.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 197 and 198.

SO ORDERED.

Dated: June 13, 2022
New York, New York


GREGORY H. WOODS
United States District Judge